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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/024,128

12/17/2001

Michael J. VanLeeuwen

T9305.NP

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20551 7590 01/17/2007
THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
SANDY, UT 84070

EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT

PAPER NUMBER

3692

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

01/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/024,128

Applicant(s)

VANLEEUEWEN, MICHAEL J.

Examiner

Jennifer Liversedge

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/17/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 13 – 19 provide for various techniques by which a debt should be selected in accordance with a debt reduction plan. However, the dependent claims fail to further clarify the method by which the debt will be selected as initially described in claim 13, rather, the claims allow for multiple types of debt selection. In claim 13, the debt will be selected based on a comparison of periodic payments and principal amounts. Claim 15 refers to selection of debt based on lowest balances and highest interest rates. Claim 17 refers to selection of debt based on lowest remaining balance and highest periodic payment. Claim 18 refers to selection based on lowest remaining balance, highest periodic payment, and highest interest rate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, and further in view of U.S. Patent No. 5,842,185 to Chancey et al. (further referred to as Chancey).

Regarding claim 1, Ellis discloses a method for analyzing a user's finances and providing a plan for debt reduction (columns 1-8; Figures 5-13), the method comprising the steps of:

Acquiring the aggregated financial data for a user;

Classifying financial transactions received with the aggregated financial data into a plurality of budget categories;

Applying the financial transactions to the budget categories, wherein the budget categories further include a budget amount and a budget balance;

Modifying the budget balances based on increases or decreases caused by the financial transactions;

Displaying the budget categories, budget amounts, modified budget balances and the financial transactions to aid the user in debt reduction.

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Ellis does not disclose where the data is received from a financial data clearinghouse and where data is categorized without user input. However, Chancey discloses where the data is received from a financial data clearinghouse and where data is categorized without user input (Figures 1-4; column 2, lines 19-39; column 4, lines 6-21; column 4, line 54 – column 5, line 5). It would be obvious to one of ordinary skill in the art to modify the debt reduction financial organizer method as disclosed by Ellis to adapt the use of automatically receiving and categorizing data as disclosed by Chancey. The motivation would be to take advantage of electronic transmissions of electronic financial information in order to increase efficiency and to reduce errors.

Further, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have automated receipt and categorization of financial data because it would have both increased the speed of the process and reduced errors, which was known, and the end result would have been the same as compared to the manual method. *In re Venner*, 262 F.2d 91, 95, 1209 USPQ 193, 194 (CCPA 1958).

Regarding claims 2-7, Ellis discloses (columns 1-8; Figures 5-13):

Modifying the budget amounts categories based on user input;

Allowing the user to accept suggested budget amounts and categories;

Determining areas of the budget categories where expenses can be reduced;

Providing steps for debt reduction strategy based on the aggregated information and suggested budget amounts and categories;

Acquiring financial data related to user's financial account information with deposit and withdrawal information.

Ellis does not disclose the use of electronic forms or receiving bill presentment information. However, Chancey discloses the use of electronic forms and receiving bill presentment information (Figure 1; column 1, line 65 – column 2, line 42; column 4, lines 6-22; column 5, lines 23-42). The same reasoning for the obviousness and motivation to combine Ellis and Chancey as applied to claim 1 applies to claims 2-7.

Regarding claim 8, Ellis discloses a method for guiding a user to reduce their debt (columns 1-8; Figures 5-13), the method comprising the steps of:

Acquiring the aggregated financial data for a user;

Classifying financial transactions received with the aggregated financial data into a plurality of budget categories;

Applying the financial transactions to the budget categories, wherein the budget categories further include a budget amount;

Providing the user with a listing of expense reducing items that can reduce the user's debt;

Comparing budget categories and the budget amounts to expense reducing items accepted by the user to define a budget margin for budget categories; and

Applying the budget margin to pay down the user's debt.

Ellis does not disclose where the data is received from a financial data clearinghouse and where data is categorized without user input. However, Chancey

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discloses where the data is received from a financial data clearinghouse and where data is categorized without user input (Figures 1-4; column 2, lines 19-39; column 4, lines 6-21; column 4, line 54 – column 5, line 5). It would be obvious to one of ordinary skill in the art to modify the debt reduction financial organizer method as disclosed by Ellis to adapt the use of automatically receiving and categorizing data as disclosed by Chancey. The motivation would be to take advantage of electronic transmissions of electronic financial information in order to increase efficiency and to reduce errors.

Further, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have automated receipt and categorization of financial data because it would have both increased the speed of the process and reduced errors, which was known, and the end result would have been the same as compared to the manual method. *In re Venner*, 262 F.2d 91, 95, 1209 USPQ 193, 194 (CCPA 1958).

Regarding claim 9, Ellis does not specifically disclose paying a portion of the budget margin toward retirement savings after a portion of the user's debt has been paid off. However, Ellis discloses where a budget is established, where budget margins are identified by reducing expenses, where debt reduction and retirement savings are both user objectives, and where users shift allocation of funds based on current goals and objectives (columns 1-8; Figures 5-13). It would be obvious to one of ordinary skill in the art that as debt was paid off, that the margin could be channeled instead to savings of various types such as retirement. The motivation would be to follow basic

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personal financial planning principals for reducing debt and saving resources for future needs.

Regarding claim 10, Ellis discloses the step of selecting the debt with the lowest principal balance remaining and the highest interest rate, in order to identify a debt which should be paid off first (Figure 13).

Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, and further in view of "Timing is not always everything in investing" by Humberto Cruz (further referred to as Cruz).

Regarding claims 11-12, Ellis discloses a method for determining a financial debt that should be paid down first to reduce aggregate financial debt (columns 1-8; Figures 5-13), comprising the steps of:

Storing debt information for a plurality of financial debts, wherein the debt information for each financial debt includes principal amount, an interest rate, a periodic payment, and a debt payment length;

Selecting a debt which has a lowest remaining balance and a highest interest rate;

Communicating to a user that the selected debt should be paid off first to allow the plurality of debts to be paid off in a reduced amount of time.

Ellis does not disclose selecting a debt with a highest periodic payment. However, Cruz discloses selecting a debt with a highest periodic payment (page 2, lines 34-42). It would be obvious to one of ordinary skill in the art to modify the debt reduction method as disclosed by Ellis by adapting the practice of selecting a debt with the highest periodic payment as disclosed by Cruz. The motivation would be to select from a number of debt reduction options, each of which as disclosed by Ellis are also disclosed by Cruz in addition to this alternative in which the debt with the highest monthly payment is first paid in order to eliminate that debt and therefore a large sum of resources, as it represented the highest monthly payment.

Regarding claims 13-19, Ellis discloses a method for determining a financial debt that should be paid down first to reduce a person's overall financial debt (columns 1-8; Figures 5-13), comprising the steps of:

Storing debt information for a plurality of debts, wherein the debt information for each financial debt includes a principal amount, an interest rate, a periodic payment, and a debt payment length;

Determining a sequence in which debts are paid down to pay the debts in reduced time;

Selecting the debt with the lowest principal balance remaining and the highest interest rate;

Applying additional power payments to the debt that has been identified to be paid off first; and

Applying a power payment based on the debt with the lowest remaining balance, highest interest rate.

Ellis does not disclose selecting the debt with the highest periodic payment. However, Cruz discloses selecting a debt with a highest periodic payment (page 2, lines 34-42). It would be obvious to one of ordinary skill in the art to modify the debt reduction method as disclosed by Ellis by adapting the practice of selecting a debt with the highest periodic payment as disclosed by Cruz. The motivation would be to select from a number of debt reduction options, each of which as disclosed by Ellis are also disclosed by Cruz in addition to this alternative in which the debt with the highest monthly payment is first paid in order to eliminate that debt and therefore a large sum of resources, as it represented the highest monthly payment.

Ellis does not disclose comparing periodic payment of each debt to the principal amount and creating a ranking wherein the periodic payment is divided by the principal. However, Cruz discloses the variables of both highest periodic payment and lowest principal. Creating a ratio of two known factors is simply a different way of displaying the same information. Cruz discloses both the use of highest payment and lowest balance. If these two numbers are put in ratio form, the equivalent result of ranking by these factors individually is obtained. It would be obvious to one of ordinary skill in the art, given the combination of Ellis and Cruz, to create a ratio of two known factors in order to rank debts using factors by which debts are being selected, the motivation being variation in display with the same results.

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER